



**McConkey Co**

McConkey Company

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253-863-8111 • FAX 253-863-5833

December 9, 2003

Federal Communications Commission  
Washington DC 20554

DEC 2003

DKT 03-259

Reference: Section 63.71 Application of Touch America

On December 5, 2004, we received a letter from Touch America dated December 2, 2003 announcing the discontinuation of data services effective January 31, 2004.

In accordance with FCC Rule 47, CFR 63.71, we must object to the discontinuance of Asynchronous Transfer Mode (ATM) and Frame Relay services of Touch America provided to J.M. McConkey Company, Inc on January 31, 2004.

The McConkey Company's only business is to supply products to the Horticultural Industry and January through April are by far the busiest months of our year. Any disruption to our phone/data service would most definitely create irreparable financial hardship to us and our customers.

Under normal circumstances, 45 days is more than adequate to initiate installation, testing, acceptance and activation of data circuits ONLY after picking a carrier. The time frame of this notice is not adequate to pick a new carrier and have the process complete. When you add into the formula the Christmas/New Year's holiday, the length of the process will most certainly be extended. Most companies tend to relax over the 7 to 10 days surrounding this holiday. With these two factors in place, it is very possible that our company could be without connection to our other three locations and that affects our capability to perform our business.

We feel that Touch America must keep our data circuits up until at least March 1, 2004 which will allow us time to transition to a new carrier. Anything less will affect our business directly.

Please feel free to contact me if you have any questions at 253-863-8111, ext 3002.

Sincerely,

Ernest L. Bodoh  
IT Manager

Cc: Touch America

TOUCHAMERICA  
Butte Office  
130 N Main  
Butte, MT 59701-9332  
406 497 5100



**NOTICE OF SERVICE DISCONTINUANCE**  
**DO NOT DISREGARD THIS NOTICE**

December 2, 2003

MCCONKEY COMPANY  
Account Number: 738267

Dear Touch America Customer:

As of January 31, 2004, Touch America will discontinue all Asynchronous Transfer Mode (ATM) and Frame Relay services. Subject to regulatory approval, the anticipated date for the discontinuance of these services under your Touch America account is January 31, 2004.

You must select a new carrier as soon as possible to avoid any interruption of service because some carriers may require several weeks to install new services. To help avoid service disruption, check carefully that all ATM/Frame Relay services you currently have with Touch America are moved to your new carrier. After you choose your new provider, Touch America will use its best efforts to ensure a smooth transition of service.

The Federal Communications Commission (FCC) permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

*The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Touch America, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.*

Touch America appreciates the opportunity we have had to serve you, and we are committed to your complete satisfaction during this transition period. If you have any questions regarding the discontinuance of your service, please contact us at 1-800-590-1025.

Sincerely,

Michael J. Meldahl  
President, Touch America, Inc